



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, AUGUST 18, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:30 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 5:30 P.M. for the Purpose of Conducting Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(Deputy City Clerk/Deputy Agency Secretary Malone)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Deputy City Clerk/Deputy Agency Secretary Malone)

**5:30 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

**2**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Legal Authority: Pursuant to Government Code 54956.9(a)  
Case Name: San Jose Christian College v. City of Morgan Hill  
Case Number: Ninth Circuit Court of Appeal, No. 02-15693

**3.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)  
Case Name: Klaver v. City of Morgan Hill  
Case Number: WCAB SJO 241834; San Jose Board  
Attendees: City Manager, City Attorney, Human Resources Director

**4.**

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8  
Property: 215 Tennant Avenue, APN: 817-04-002  
Negotiating Parties:  
    For City: City Manager, Director of Public Works, City Attorney, and Attorney  
                Gale Connor  
    For Property Owners: Robert and Teresita Carrasco and Bruce Tichinin  
Closed Session Topic/Under Negotiation: Price and Terms of Payment

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**PRESENTATION**

Santa Clara County Vector Control District Report on West Nile Virus  
*Kriss Costa, County Community Resources Specialist*

**CITY COUNCIL REPORT**

Mayor Kennedy

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 1-20**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP** ..... 1  
**Recommended Action(s): Authorize** the City Manager to Execute an Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.
2. **SECOND AMENDMENT TO AGREEMENT WITH THE STROMBOTNE LAW FIRM** ..... 19  
**Recommended Action(s): Authorize** the City Manager to Execute a Second Amendment to Agreement with the Strombotne Law Firm.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
3.	<b><u>SUBDIVISION APPLICATION, SD-04-09: MISSION VIEW DRIVE-MISSION RANCH</u></b> ..... <b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	41
4.	<b><u>SUBDIVISION APPLICATION, SD-04-10: PEET-LUPINE</u></b> ..... <b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	67
5.	<b><u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS) 2004 QUARTERLY REPORT #2</u></b> ..... <b><u>Recommended Action(s): Accept</u></b> and <b><u>File</u></b> the RDSCS Second Quarter Report for 2004.	93
6.	<b><u>MONTEREY HIGHWAY SOCCER PARK UPDATE</u></b> ..... <b><u>Recommended Action(s): Consider</u></b> the Status Report.	111
7.	<b><u>APPROVAL OF IMPROVEMENT AGREEMENT FOR THE GRANARY</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> the Improvement Agreement and <b><u>Authorize</u></b> the City Manager to Sign the Agreement on Behalf of the City of Morgan Hill with Charles Weston and Lesley Miles.	119
8.	<b><u>APPROVAL OF IMPROVEMENT AGREEMENT FOR ST. CATHERINE'S DAY WORKER CENTER</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> the Improvement Agreement and <b><u>Authorize</u></b> the City Manager to Sign the Agreement on Behalf of the City of Morgan Hill with Charles Weston and Lesley Miles.	131
9.	<b><u>FINAL MAP ACCEPTANCE FOR ALICANTE PHASE I (TRACT 9578)</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Approve</u></b> the Final Map, Subdivision Agreement and Improvement Plans; 2. <b><u>Authorize</u></b> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and 3. <b><u>Authorize</u></b> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	143
10.	<b><u>AWARD OF CONTRACT FOR SIDEWALK ADDITION AT EDMUNDSON/MONTEREY PROJECT</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Award</u></b> Contract to Link Construction Co., Inc. for the Construction of the Sidewalk Addition at Edmundson/Monterey Project in the Amount of \$63,120; and 2. <b><u>Authorize</u></b> Expenditure of Construction Contingency Funds, Not to Exceed \$6,312.	155
11.	<b><u>APPROVAL OF PAYMENT TO SANTA CLARA COUNTY FOR VEGETATION ABATEMENT ON CITY-OWNED PROPERTY</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> Payment in the Amount of \$47,006.43 for Vegetation Abatement in Fiscal Year 2004-2005.	159
12.	<b><u>ADOPT RESOLUTION APPROVING APPLICATION FOR 2005-2006 FEDERAL SURFACE TRANSPORTATION PROGRAM FOR STREET RESURFACING FUNDING</u></b> ..... <b><u>Recommended Action(s): Adopt</u></b> Resolution Supporting the Application for Federal Surface Transportation (STP) Funding for the 2005-2006 Pavement Resurfacing Program.	161
13.	<b><u>YEAR END REPORT ON 2003-2004 WORKPLAN</u></b> ..... <b><u>Recommended Action(s): Accept</u></b> Report.	167

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

**Page**

14. **APPROVAL OF ANNUAL LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR THE COMMUNITY AND CULTURAL CENTER AND AQUATICS CENTER** ..... 187  
**Recommended Action(s):**  
1. **Approve** Annual Landscape Maintenance Agreement for the Community/Cultural Center and the Aquatics Center; and  
2. **Authorize** the City Manager to Execute the Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney.
  
15. **AMEND CONTRACT FOR THE TENANT IMPROVEMENTS BY TRI-SIGNAL INTEGRATION, INC. FOR THE NEW POLICE FACILITY** ..... 189  
**Recommended Action(s):** **Authorize** the City Manager to Amend and Approve an Additional Purchase Order for the Purchase and Installation of Card Readers, Closed Circuit TV, Fire and Security Alarm Systems Purchased for the Tenant Improvements at the New Policy Facility, Subject to City Attorney Review and Approval.
  
16. **APPROVE FIRST AMENDMENT TO ARCHITECTURAL CONSULTANT AGREEMENT FOR INDOOR RECREATION CENTER** ..... 233  
**Recommended Action(s):** **Authorize** the City Manager to Amend Noll & Tam's Consultant Agreement for an Additional \$35,000 for FF&E Selection, Specification, and Drawings and to Revise the Consultant's Scope of Work for Architectural Services Needed in Lieu of LEEDS Design, Subject to City Attorney Review and Approval.
  
17. **APPROVE AUDIOVISUAL CONSULTANT AGREEMENT FOR INDOOR RECREATION CENTER** ..... 235  
**Recommended Action(s):** **Authorize** the City Manager to Negotiate, Prepare and Execute the Professional Services Agreement for Audiovisual Consultant, Lewitz and Associates for Consulting Required at the Indoor Recreation Center, Subject to City Attorney Review and Approval.
  
18. **ADOPT ORDINANCE NO. 1685, NEW SERIES** ..... 237  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1685, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1487, NEW SERIES, TO AMEND THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-97-22: SPRING – MALONE/FILIPOWICZ TO ALLOW FOR A ONE YEAR EXTENSION OF TIME FOR A SINGLE CUSTOM LOT BUILDING ALLOTMENT RECEIVED IN THE 1998-99 RDCA COMPETITION. (APN 767-53-012).**
  
19. **ADOPT ORDINANCE NO. 1689, NEW SERIES** ..... 241  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1689, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE PRECISE DEVELOPMENT PLAN FOR THE DE PAUL (FORMERLY SAINT LOUISE) HEALTH CENTER INCORPORATING UP TO A 70-UNIT CONGREGATE CARE FACILITY, 94 UNIT ASSISTED LIVING FACILITY, A 6,050 SQUARE FOOT CHILD CARE FACILITY AND A 13,560 SQUARE FOOT COMMERCIAL OFFICE BUILDING. (APNs 728-031-005, 006, 012 & 013).**
  
20. **APPROVE MINUTES FOR SPECIAL CITY COUNCIL MEETING OF JUNE 26, 2004** ..... 247

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 21**

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

21. **DOWNTOWN PARKING RESOURCES MANAGEMENT PLAN**..... 249  
**Recommended Action(s): Authorize** the Executive Director to Negotiate and Execute a Contract with DKS Associates in an Amount Not to Exceed \$49,280, Subject to Agency General Counsel Review and Approval.

## ***Redevelopment Agency and City Council Action***

### **CONSENT CALENDAR:**

#### **ITEM 22**

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

22. **APPROVE MINUTES FOR JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JULY 21, 2004**..... 259
23. **APPROVE MINUTES FOR JOINT REGULAR REDEVELOPMENT AGENCY, SPECIAL CITY COUNCIL, AND SPECIAL FINANCING AUTHORITY COMMISSION MEETING OF JULY 28, 2004**..... 287

## ***City Council Action (Continued)***

### **CONSENT CALENDAR:**

#### **ITEM 24**

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

24. **APPROVAL OF JOINT USE AGREEMENT FOR WEST LITTLE LLAGAS CREEK TRAIL**..... 309  
**Recommended Action(s): Approve** Joint Use Agreement with Santa Clara Valley Water District for West Little Llagas Creek Trail.

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
25.	20 Minutes	<b><u>ZONING AMENDMENT, ZA-04-07: DIGITAL-VENTURE PROFESSIONAL CENTER</u></b> (Continued from 7/28/04).....	319
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Approve</u></b> Mitigated Negative Declaration.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	
26.	5 Minutes	<b><u>PROTEST, PRO-04-03: ANNEXATION, ANX-03-01: HILL-GERA</u></b> .....	333
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Hold Protest Proceeding</u></b> and <b><u>Accept</u></b> Written Protest from Property Owners;	
		Action- <b><u>Determine</u></b> Assessed Value of Protest; and	
		Action- <b><u>Adopt</u></b> Resolution.	
27.	10 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-12: PEET-LUPINE</u></b> .....	339
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	
28.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DA-03-13: MISSION VIEW DRIVE-MISSION RANCH</u></b> .....	357
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	
29.	15 Minutes	<b><u>ZONING AMENDMENT APPLICATION, ZA-04-04: CITY OF MORGAN HILL-CENTRAL COMMERCIAL RESIDENTIAL ZONING</u></b> .....	387
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	
30.	10 Minutes	<b><u>LIBRARY DEVELOPMENT IMPACT FEE ADJUSTMENTS</u></b> .....	403
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Adopt</u></b> Resolution.	

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
31.	5 Minutes	<b><u>WATER SUPPLY SHORTAGE OPERATIONS PLAN</u></b> .....	413
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Adopt</u></b> the Resolution Implementing the Water Supply Shortage Operation Plan to Protect Public Health and Safety When Water Shortages Occur.	

## ***Redevelopment Agency Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
32.	10 Minutes	<b><u>LIBRARY PROJECT CONSTRUCTION BUDGET</u></b> .....	421
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Establish</u></b> an Alternative Capital Improvement Project For a 28,000 Sq. Ft. Library at the Civic Center Site with Potential Future Expansion of 10,000 Sq. Ft. and a Budget of \$17 Million.	
		2. <b><u>Approve</u></b> the Sources of Funds to Finance the Project Construction Budget as Outlined in Exhibit A.	
		3. <b><u>Direct</u></b> the Library Commission to Review and Develop a Program for a 28,000 Sq. Ft. Building.	
		4. <b><u>Seek</u></b> Cooperation of the County in Imposing a Similar Development Impact Fee in the Unincorporated Area.	
		5. <b><u>Revise</u></b> the CIP to Illustrate the Revised Funding Allocations for the Storm Drainage Projects.	
		6. <b><u>Recommend</u></b> that the City Manager Analyze the Alternative Project Management Model and Prepare Recommendations for Council Consideration on Obtaining the Services of a Qualified Construction Management Firm and Architect and Report Back to Council in October 2004 when it is Anticipated the City Will Know the Results of the State Funding for the Larger Library Project.	
		7. <b><u>Direct</u></b> Staff that any Project Model Moved Forward will have the Controlling Factor be the Budget.	

## ***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
33.	10 Minutes	<b><u>APPROVAL OF THE MITIGATION MONITORING AND REPORTING PLAN FOR THE INSTITUTE GOLF COURSE</u></b> (Continued from 7/21/04) .....	435
		<b><u>Recommended Action(s):</u></b> <b><u>Adopt</u></b> Resolution.	

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
34.	1 Minute	<b><u>ADOPT ORDINANCE NO. 1687, NEW SERIES</u></b> (Continued from 7/21/04) ..... <b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1687, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT ON A 192+-ACRE SITE CHANGING THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO PLANNED UNIT DEVELOPMENT (PUD) LOCATED AT 14830 FOOTHILL AVENUE BETWEEN MAPLE AVENUE AND ROBIN AVENUE. (APNS 825-29-002, 043, 044, 045 AND 825-30-007).</b>	471
35.	20 Minutes	<b><u>ORDINANCE AMENDING THE MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF IMITATION FIREARMS ON PUBLIC PROPERTY</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Waive</u></b> the First and Second Reading of the Ordinance; and 2. <b><u>Introduce</u></b> the Ordinance by Title Only. (Roll Call Vote)	495
36.	10 Minutes	<b><u>COMMENTS FOR THE HIGH-SPEED BULLET TRAIN</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Review</u></b> and <b><u>Provide Comments</u></b> to the California High Speed Rail Authority for the Draft Environmental Impact Report for the Proposed High-Speed Bullet Train.	503
37.	5 Minutes	<b><u>APPOINTMENT TO THE CITY'S 2006 CENTENNIAL PLANNING STEERING COMMITTEE</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Confirm</u></b> Appointments to the City's 2006 Centennial Steering Committee; 2. <b><u>Appoint</u></b> a Two-Member Council Subcommittee to Assist said Committee; and 3. <b><u>Direct</u></b> the City Manager to Appoint a City Staff Member to Work with the Steering Committee, if Deemed Appropriate.	513

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**